

(2) *the county:*

(A) *is adjacent to the United Mexican States;*

(B) *has a population of less than 300,000; and*

(C) *contains a municipality with a population of 200,000 or more.*

SECTION 2. Section 364.034, Health and Safety Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) *Notwithstanding Subsection (a)(2), a person is not required to use solid waste disposal services offered by a county, as authorized under Section 364.011(a-1), to persons in an area of the county located within the extraterritorial jurisdiction of a municipality if:*

(1) *the person contracts for solid waste disposal services with a provider that meets rules adopted by the commission for the regulation of solid waste disposal; or*

(2) *the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling.*

(a-2) *Subsection (a-1) does not affect the authority of a governmental entity to pursue actions under Subchapter B, Chapter 365, to address illegal dumping.*

SECTION 3. The changes in law made by this Act apply only to a contract for private solid waste collection, handling, storage, or disposal entered into on or after the effective date of this Act. A contract for private solid waste collection, handling, storage, or disposal entered into before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 12, 2017: Yeas 30, Nays 1.

Approved May 26, 2017.

Effective September 1, 2017.

AUTHORITY OF THE TEXAS MILITARY DEPARTMENT TO PURCHASE FOOD AND BEVERAGES

CHAPTER 144

H.B. No. 1606

AN ACT

relating to the authority of the Texas Military Department to purchase food and beverages.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 437, Government Code, is amended by amending Section 437.118 and adding Section 437.119 to read as follows:

Sec. 437.118. ~~MAINTENANCE AND OPERATION [USE] OF [FUNDS TO SUPPORT] MILITARY HOUSING [AND TRAINING]. [(a) The department may use appropriated money to purchase food and beverages for charged military housing and training functions required of the Texas military forces.~~

[(b)] The department shall maintain and operate charged military housing in accordance with policies and regulations adopted by the adjutant general and published on the department's Internet website. The department shall deposit room fees in a billeting account.

Sec. 437.119. USE OF FUNDS TO PURCHASE FOOD AND BEVERAGES. The department may use appropriated money to purchase food and beverages for:

- (1) charged military housing;*
- (2) service members of the Texas military forces on military duty, including required training functions; and*
- (3) students participating in the Texas ChalleNGe Academy.*

SECTION 2. This Act takes effect September 1, 2017.

Passed by the House on March 30, 2017: Yeas 141, Nays 0, 1 present, not voting;
passed by the Senate on May 18, 2017: Yeas 30, Nays 0.

Approved May 26, 2017.

Effective September 1, 2017.

PROSECUTION AND PUNISHMENT OF CERTAIN OUTDOOR BURNING VIOLATIONS

CHAPTER 145

H.B. No. 1619

AN ACT

relating to the prosecution and punishment of certain outdoor burning violations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 382.018, Health and Safety Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) If conduct that violates a rule adopted under this section also violates a municipal ordinance, that conduct may be prosecuted only under the municipal ordinance, provided that:

(1) the violation is not a second or subsequent violation of a rule adopted under this section or a municipal ordinance; and

(2) the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

(g) Notwithstanding Section 7.002, Water Code, the provisions of this section and rules adopted under this section may be enforced by a peace officer as described by Article 2.12, Code of Criminal Procedure.

SECTION 2. Section 7.187(b), Water Code, is amended to read as follows:

(b) Notwithstanding Section 7.177(a)(5), conviction for an offense under Section 382.018, Health and Safety Code, is punishable as:

(1) a Class C misdemeanor if the violation is a first violation and does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes ~~[waste is not a substance described by Subdivision (3)]~~;

(2) a Class B misdemeanor if the violation is a second or subsequent violation and:

(A) the violation does not involve the burning of:

(i) substances described by Subdivision (1); or

(ii) insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber; or

(B) the violation involves the burning of substances described by Paragraph (A)(ii) and none of the prior violations involved the burning of substances described by Subdivision (1) or Paragraph (A)(ii) ~~[under Subdivision (1)]~~; or